

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 955

Introduced by Schimek, 27; Aguilar, 35; Beutler, 28; Byars, 30;
Connealy, 16; Cudaback, 36; Kruse, 13; Landis, 46;
Dw. Pedersen, 39; Preister, 5; Robak, 22; Smith, 48;
Synowiecki, 7

Read first time January 10, 2002

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary educational institutions; to
2 amend section 85-502, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to determinations
4 of residency; to harmonize provisions; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-502, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 85-502. Rules and regulations established by the
4 governing board of each state postsecondary educational institution
5 shall require as a minimum that a person ~~shall not be~~ is not deemed
6 to have established a residence in this state, for ~~the purpose~~
7 purposes of sections 85-501 to 85-504, unless:

8 (1) Such person is of legal age or is an emancipated
9 minor and ~~shall have~~ has established a home in Nebraska where he or
10 she is habitually present for a minimum period of one hundred
11 eighty days, with the bona fide intention of making this state his
12 or her permanent residence, supported by documentary proof;

13 (2) The parents, parent, or guardian having custody of a
14 minor registering in the educational institution ~~shall~~ have
15 established a home in Nebraska where such parents, parent, or
16 guardian are or is habitually present with the bona fide intention
17 ~~of such parents, parent, or guardian~~ to make this state their, his,
18 or her permanent residence, supported by documentary proof. If +
19 ~~PROVIDED, that if a person student~~ has matriculated in any state
20 postsecondary educational institution while his or her parents,
21 parent, or guardian had an established home in this state, and the
22 parents, parent, or guardian ~~leave~~ cease to reside in the state,
23 such ~~person~~ student shall not lose his or her resident status ~~by~~
24 ~~reason of such parents, parent, or guardian having ceased to reside~~
25 ~~in this state~~ if such ~~person~~ student has the bona fide intention to
26 make this state his or her permanent residence, supported by
27 documentary proof;

28 (3) Such ~~person~~ student is of legal age and is a

1 dependent for federal income tax purposes of a parent or former
2 guardian, who ~~shall have~~ has established a home in Nebraska where
3 he or she is habitually present with the bona fide intention of
4 making this state his or her permanent residence, supported by
5 documentary proof;

6 (4) Such ~~person~~ student is a nonresident of this state
7 prior to marriage, and marries a person who has established a home
8 in Nebraska where he or she is habitually present with the bona
9 fide intention of making this state his or her permanent residence,
10 supported by documentary proof;

11 (5) ~~Such person~~ Except as provided in subdivision (8) of
12 this section, such student, if an alien, shall have has applied to
13 or has a petition pending with the Immigration and Naturalization
14 Service to attain lawful status under federal immigration law and
15 has established a home in Nebraska for a period of at least one
16 hundred eighty days where he or she is habitually present with the
17 bona fide intention to ~~become a permanent resident alien of the~~
18 ~~United States and~~ make this state his or her permanent residence,
19 supported by documentary proof;

20 (6) Such ~~person~~ student is a staff member or a dependent
21 of a staff member of the University of Nebraska, one of the
22 Nebraska state colleges, or one of the community college areas who
23 joins the staff immediately prior to the beginning of a term from
24 an out-of-state location;

25 (7) Such ~~person~~ student is on active duty with the armed
26 services of the United States and has been assigned a permanent
27 duty station in Nebraska, or is a legal dependent of a person on
28 active duty with the armed services of the United States assigned a

1 permanent duty station in Nebraska; or

2 (8) ~~Such person is a graduate of a high school of this~~
3 ~~state or has been previously registered in a state educational~~
4 ~~institution at a time when he or she was a resident of this state~~
5 Such student resided with his or her parent, guardian, or
6 conservator while attending a public or private high school in this
7 state and (a) graduated from a public or private high school or
8 received the equivalent of a high school diploma in this state, (b)
9 resided in this state for at least three years before the date the
10 person graduated from high school or received the equivalent of a
11 high school diploma, (c) registers as an entering student in a
12 postsecondary educational institution not earlier than the 2002
13 fall semester, and (d) provides to the postsecondary educational
14 institution an affidavit stating that he or she will file an
15 application to become a permanent resident at the earliest
16 opportunity he or she is eligible to do so. If the parents,
17 parent, or guardian with whom the student resided cease to reside
18 in the state, such student shall not lose his or her resident
19 status under this subdivision if the student has the bona fide
20 intention to make this state his or her permanent residence,
21 supported by documentary proof.

22 Sec. 2. Original section 85-502, Reissue Revised
23 Statutes of Nebraska, is repealed.